

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**FISHERIES ACT
(CHAPTER 111)**

**1970 Ed. Cap. 294
Act
14 of 1966
Amended by
30 of 1973**

REVISED EDITION 1985

Fisheries Act

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Interpretation.

PART II

ADMINISTRATION

3. Appointment of Director of Primary Production and Assistant Director of Primary Production (Fisheries).
4. Appointment of fishery officers.
5. Officers to be deemed to be public servants.
6. Identification card to be produced.

PART III

RULES

7. Rules.

PART IV

LICENCES

8. Licences.
9. Validity of licences.
10. Partners.

PART V

OFFENCES

11. Wilful damage to fishing implements.
12. Prohibition on use of poisons or explosives.
13. Landing or selling fish illegally caught.
14. Use of trawl-nets.
15. Penalty for breach of provisions of Act, rules and conditions.
16. Forfeiture.
17. Sale of fish pending result of prosecution.

Section

18. Confiscation of vessels, etc.
19. Responsibility of partners.
20. Power to compound offences.
21. Offence committed by an employee.
22. Courts have jurisdiction to try offences committed outside territorial waters.

PART VI

SEARCH, SEIZURE AND ARREST

23. Powers of officers.

PART VII

MISCELLANEOUS

24. Service of documents.
25. Exemption.

An Act for the protection and conservation of fisheries, and to make provision for the control of fishing, the control of the marketing and distribution of fish and the use and control of fishing ports and harbours, for measures pertaining to the general welfare and improvement of the fishing industry in Singapore and for purposes incidental thereto.

[1st January 1969]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Fisheries Act.

Inter-pretation.

2. In this Act, unless the context otherwise requires —
 - “Director” means the Director of Primary Production appointed under section 3 and includes the Assistant Director of Primary Production (Fisheries) appointed under that section;
 - “estuarine waters” means waters extending from the mouth of a river to the uppermost point upstream penetrated by sea water at the highest tide of the year and reference to estuarine fishing and to estuarine fisheries shall be construed accordingly;

- “fish” includes any of the varieties of marine, brackish water or fresh water fishes, crustacea, aquatic mollusca, turtles, marine sponges, trepang and any other form of aquatic life and the young and eggs thereof;
- “fish culturist” means any person culturing or cultivating fish for profit and includes fish pond operators and aquarists;
- “fish dealer” includes any person engaged in buying (except for personal consumption), selling, exposing for sale, consigning or exhibiting fish, whether living, fresh or processed, in any manner, or any person engaged in processing fish;
- “fish pond” means any enclosed area of water whether fresh or otherwise, which is used or intended for use in the cultivation, storage or capture of fish, and includes estuarine prawn ponds;
- “fishery officer” means any officer appointed as such, in writing, by the Director under section 4;
- “fishing stakes” means any device used for the capture of fish which is made up of poles or other supports permanently fixed into the ground and enclosed by ramie, rattan, wire or other screening material, so designed as to lead fish into the enclosures, or any device using a net or other screening material that is anchored permanently or impermanently;
- “fishing vessel” includes any ship or boat or any other description of vessel used for fishing or the transport of fish or fishing materials;
- “inland waters” means any rivers, streams, lakes, ponds and other waters, whether private or otherwise, other than maritime and estuarine waters and reference to inland fishing and to inland fisheries shall be construed accordingly;
- “maritime waters” means that part of the seas adjacent to Singapore, both within and outside territorial waters, whether or not citizens of Singapore have by international law the exclusive right of fishing therein; and where that part is defined by the terms of any convention, treaty or arrangement between Singapore and any other country includes the part so defined and references to maritime

fishing and maritime fisheries shall be construed accordingly;

“master” includes every person, except a pilot, having command or charge of any vessel;

“processed fish” means fish that has been cured, cooked, frozen or preserved in any manner and includes any product derived or manufactured wholly or partly from fish, and reference to “processing fish” shall be construed accordingly.

PART II

ADMINISTRATION

Appointment of Director of Primary Production and Assistant Director of Primary Production (Fisheries).

3.—(1) The Minister may, by notification in the *Gazette*, appoint an officer to be styled the Director of Primary Production (referred to in this Act as the Director) and an officer to be styled the Assistant Director of Primary Production (Fisheries), who, subject to such limitations as may be prescribed by the Director, may perform all duties imposed and exercise all powers conferred on the Director by this Act and every duty so performed and power exercised shall be deemed to have been duly performed and exercised for the purposes of this Act.

(2) The Director may delegate the exercise of all or any of the powers conferred or duties imposed upon him by this Act to any public officer.

Appointment of fishery officers.

4. The Director may appoint fishery officers for the purpose of carrying into effect the provisions of this Act.

Officers to be deemed to be public servants.
Cap. 224.

5. All officers appointed under the provisions of this Act shall be deemed to be public servants within the meaning of the Penal Code.

Identification card to be produced.

6.—(1) Every fishery officer when exercising any powers under this Act shall, if not in uniform, declare his office and shall, on demand, produce to any person affected by the exercise of those powers such card as the Director may direct to be carried by officers appointed under the provisions of this Act.

(2) It shall not be an offence for any person to refuse to comply with any request, demand or order made or given by

any officer appointed under this Act, or by any police officer not in uniform, who fails to declare his office and refuses to produce his identification card on demand being made by that person.

PART III

RULES

7.—(1) The Minister may make rules for the carrying out Rules.
of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made —

- (a) to regulate or prohibit the erection, maintenance, working, repair or lighting of fishing stakes in maritime and estuarine waters;
- (b) to regulate or prohibit any method of fishing or the use of any fish traps or fishing nets;
- (c) to provide for the licensing, control and supervision and protection of any fishery and of the cultivation of fish or any particular species of fish;
- (d) to prescribe the species or the minimum weights and sizes of fish which may be cultured, captured or taken for the purposes of sale, processing, consumption, consignment, rearing or sport;
- (e) to prescribe the mesh size and sizes of nets which may be used for the capture of any particular species of fish or for any method of fishing;
- (f) to prescribe and control the types and the dimensions and specifications of vessels which may be used for the capture of any particular species of fish or for any method of fishing;
- (g) to prescribe the areas and the periods of time in the year within which any particular species or size of fish may be killed or captured or any particular method of fishing is prohibited or restricted;
- (h) to prohibit except in accordance with the terms and conditions of a licence the killing or capture of fish or any particular species or size of fish in any specified area;

- (i) to require the supply by any person concerned in the capture of fish or by any fish culturist or fish dealer of such information as may be necessary to determine the measures to be taken to improve the fishing industry and trade or for the compilation of fishery statistics;
- (j) to prescribe areas where fish may be landed;
- (k) to regulate and control the landing, collection, transportation, marketing and distribution of fish and to appoint any person or persons, organisation or board as may be necessary to effect such regulation and control;
- (l) to prescribe and control areas which may be used as fishing ports or harbours or areas where fishing vessels may be allowed to moor;
- (m) to prescribe and control the route or routes to be used by fishing vessels within territorial waters;
- (n) to control the methods of processing fish;
- (o) to regulate the inspection and examination of fresh fish and processed fish and to prescribe the standards for the control of the quality of such fish;
- (p) to regulate and control by licensing factories and plants or any place used for the purpose of processing, packing or storage of fish;
- (q) to regulate and control by licensing the use of ponds, pools, lakes, swamps, foreshores and any inland waters for the cultivation of fish;
- (r) to regulate or prohibit any method of cultivation of fish;
- (s) to regulate and control the sale or exhibition of fish or any competition held in respect of fish, including the licensing of premises for such purposes;
- (t) to register fishermen, fish culturists, fish dealers or any person connected with fishing or the fishing industry;
- (u) to license fishing vessels, fishing stakes, fishing nets, gear and equipment, and the like;
- (v) to regulate or prohibit the import, export or transshipment of fish or any species of fish and to impose such conditions as may be necessary;

- (w) to regulate or prohibit the construction of any bunds, slides, dams or other barriers or obstruction in inland and estuarine waters;
- (x) to regulate or prohibit the deposit or discharge of any solid, liquid or gaseous substances whether beneficial or detrimental to fish;
- (y) to control the arrival and departure of fishing vessels including the issue of port clearances;
- (z) to inspect and survey fishing vessels with regard to seaworthiness and fitness for any particular method of fishing prior to licensing and to impose such conditions as may be necessary;
- (za) to prescribe and regulate life-saving appliances to be carried by fishing vessels including lifebuoys, life-jackets, fire-fighting equipment, light, sound and visual signals, medicines, and the like;
- (zb) to prescribe and regulate the minimum and maximum number and grade of persons to be carried on board any fishing vessel;
- (zc) to prescribe the standards by which certificates of competency, including masters' certificates, mates' certificates, helmsmen's certificates, engine-drivers' certificates and other grades of certificates, may be awarded to persons who reach these standards or pass the required examinations;
- (zd) to prescribe fees for any licence to be issued or for any other service performed under this Act or any rules made thereunder;
- (ze) to prescribe the forms for any licence, registration or certificate or authorise the Director to prescribe such forms as he may think fit;
- (zf) to regulate the conditions of employment of fishermen on board fishing vessels, the discharge or repatriation of fishermen, apprenticeship, training, discipline and conduct on board ship, and the like;
- (zg) to provide for the conduct of inquiries and investigations into casualties or accidents of fishing vessels including casualties or accidents due to incompetence, negligence, or insubordination and to regulate the liability of fishing boat

owners in respect of such casualties or accidents including the loss of life or goods or injury or damage to life or goods.

PART IV

LICENCES

Licences.

8.—(1) The Director may, subject to the provisions of this Act and of any rules made thereunder, issue to any person a licence, on such terms and conditions as he may specify exempting him from any prohibition or obligation imposed by the provisions of this Act or any such rules.

(2) The Director may refuse to issue a licence under this section, or may vary or impose additional conditions or revoke any licence already issued.

(3) Any person aggrieved by such a refusal, variation or revocation may appeal to the Minister whose decision shall be final and no action or proceeding whatsoever shall be maintainable in any court of law in respect of such a refusal, variation or revocation.

Validity of licences.

9.—(1) Any licence issued under this Act or any rules made thereunder shall be valid only for the period, place or purpose specified in the licence.

(2) Every licence issued under this Act or any rules made thereunder shall expire on 31st December of the year in which it is issued, unless the contrary is stated in the licence.

(3) Licences issued under this Act or any rules made thereunder shall not be transferable.

Partners.

10.—(1) Two or more persons carrying on business in partnership shall not be required to obtain more than one licence under this Act in respect of that partnership.

(2) In the case of a licence issued under this Act in respect of a partnership, the names of all the partners, and, from time to time, the names of new partners, shall be disclosed to the Director and, if approved by the Director, shall be entered in the licence, and a licence to two or more persons shall not expire on the death or retirement from business of any one or more of the partners.

PART V

OFFENCES

11. Any person who wilfully damages or destroys fishing stakes, nets, lures or fishing implements shall be guilty of an offence. Wilful damage to fishing implements.

12.—(1) Any person who, except under the authority of a licence issued under this Act, uses any poisonous or explosive substance with intent to stupefy, poison or kill fish shall be guilty of an offence. Prohibition on use of poisons or explosives.

(2) Any person who is found in possession of fish which have been captured with the aid of any explosive or poisonous substance and does not give a satisfactory account as to how he came to be in possession thereof shall be guilty of an offence.

(3) When any poisonous or explosive substance by which fish can be stupefied, poisoned or killed is found in the possession or control of any person in the neighbourhood of any waters shortly after the use of such a substance in the waters, the person shall be presumed until the contrary is proved to have made use of the substance for those purposes.

(4) Any person in a fishing boat who is found to be in possession or control of any poisonous or explosive substance without a licence shall be guilty of an offence.

13. Any person who lands or sells fish caught by methods prohibited, or within areas prohibited, by this Act or any rules made thereunder shall be guilty of an offence. Landing or selling fish illegally caught.

14.—(1) No person shall use, operate or assist in the operation of a trawl-net in the territorial waters of Singapore. Use of trawl-nets. 30/73.

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to imprisonment for a term of not less than 3 months and not exceeding 3 years.

(3) Where it is proved to the satisfaction of a court that any vessel, net, instrument or appliance has been used in the commission of an offence under subsection (1) and that the vessel, net, instrument or appliance has been seized by a

fishery officer or police officer, the court shall, on the written application of the Public Prosecutor, make an order for the forfeiture of the vessel, net, instrument or appliance, notwithstanding that no person may have been convicted of the offence. [13A

Penalty for breach of provisions of Act, rules and conditions 30/73.

15.—(1) Any person who commits an offence under this Act shall be liable, if no special penalty is provided, on conviction to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(2) Any person who does or attempts to do or causes or permits to be done or abets an act contrary to, or fails to comply with the provisions of this Act or any rules made thereunder or in breach of the restrictions or conditions subject to which any licence has been issued shall be guilty of an offence and shall be liable on conviction, if no special penalty is provided, to a fine not exceeding \$1,000 or to imprisonment for a term not exceeding one year or to both.

(3) Where an offence is continued after conviction, there shall be payable by the offender for every day that the offence continues a fine not exceeding \$50, and where the offence continues for a period exceeding 10 days after conviction the offender shall be liable to a term of imprisonment not exceeding 6 months. [14

Forfeiture.

16. Any vessel, vehicle, stake, net, instrument or appliance used in the commission of any offence under this Act or any rules made thereunder and any fish caught in contravention of the provisions of this Act or of any such rules may be forfeited to the Director and, if so forfeited, shall be disposed of in such manner as the Director may direct. [15

Sale of fish pending result of prosecution. 30/73.

17. Any fish seized by a fishery officer or police officer in accordance with the provisions of this Act may be sold forthwith, and the proceeds of sale thereof shall be held to abide the result of any prosecution or claim or, where there is no prosecution or claim, shall be paid to the person from whom the fish was seized and if that person cannot be ascertained, the proceeds shall be paid into the Consolidated Fund. [16

18.—(1) A Magistrate may order the confiscation of any vessel, vehicle, stake, net, instrument or appliance used in the commission of any offence. Confiscation of vessel, etc.

(2) A Magistrate may order the removal and destruction of any offending fishing stakes or part thereof, and any costs incurred in effecting their removal and destruction shall be borne by the owner of the stakes. [17]

19. When a licence is granted to two or more persons carrying on business in partnership, each of them shall be liable for any act or omission of the other or others unless he proves to the satisfaction of the court that he had no knowledge of, or that he in no way directly or indirectly contributed to, the commission of the act or the making of the omission by the other or others. Responsibility of partners. [18]

20. The Director may compound any offence under this Act (except section 14) or any rules made thereunder for a sum of money not less than one-fifth of the maximum fine provided for that offence. Power to compound offences. 30/73. [19]

21. Where an offence under this Act or any rules made thereunder is committed by an employee, the employer, in the course of whose employment the employee was at the time of committing the offence, shall also be guilty of the offence unless the employer proves to the satisfaction of the court — Offence committed by an employee.

- (a) that he used diligence to secure compliance with this Act or the rules made thereunder; and
- (b) that the offence was committed without his knowledge, consent or connivance. [20]

22. Notwithstanding the provisions of any written law to the contrary, any offence under this Act committed outside the territorial waters of Singapore by citizens of, or by persons ordinarily resident in, Singapore or by the crew or owners of fishing vessels registered in Singapore whether or not the crew or owners are citizens of Singapore or resident in Singapore, shall be triable in any court in Singapore as if the offence had been committed in Singapore. Courts have jurisdiction to try offences committed outside territorial waters. [21]

PART VI

SEARCH, SEIZURE AND ARREST

Powers of
officers.
30/73.

23. Any fishery officer or police officer may without warrant —

- (a) stop, search and detain any vessel or vehicle which he has reason to believe is being used for fishing or carrying fish or fishing materials contrary to the provisions of this Act or any rules made thereunder and may seize that vessel or vehicle and any engine, fish nets, instruments, fishing materials or other appliances found therein;
- (b) search and examine any fishing stakes, nets, instruments, fishing materials or other appliances used in catching fish and effect the removal and destruction of any unlicensed fishing stakes;
- (c) search, examine and investigate into the operation of any fish ponds; and
- (d) arrest any person found committing or attempting to commit or abetting the commission of an offence under this Act or any rules made thereunder. [22

PART VII

MISCELLANEOUS

Service of
documents.

24.—(1) Where for the purposes of this Act or any rules made thereunder any document is to be served on any person, that document may be served —

- (a) in any case by delivering a copy thereof personally to the person to be served;
- (b) if the document is to be served on the master of a vessel, by leaving it for him on board that vessel with the person who is or appears to be in command or charge of the vessel;
- (c) by fixing a copy of the document to any conspicuous part of his house or his business premises; or
- (d) by registered letter to his last place of abode.

(2) A document which is to be served on the master of a fishing vessel licensed under the provisions of the rules

made under this Act may, if the master cannot be found, be served on the managing owner of the vessel or, if there is no managing owner, on some agent of the owner residing in Singapore or, where no such agent is known, by affixing a copy thereof to the mast of the vessel. [23

25.—(1) The Director may, with the approval of the Minister, exempt from the provisions of this Act and of any rules made thereunder, either absolutely or conditionally, any person attached to a scientific institution who fishes only for the purposes of scientific research or any person who fishes for personal consumption. Exemption.

(2) The Director may with the approval of the Minister exempt any person from payment of or reduce the fees for any licence issued or for any service performed under this Act or any rules made thereunder. [24